UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,095	01/27/2006	Peter A. Fortman	06975-551US1	9000

26171   7590   09/25/2007

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ART UNIT	PAPER NUMBER
2141	

MAIL DATE	DELIVERY MODE
09/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *12 September 2007*.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-9 and 13-61* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-9 and 13-61* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *27 December 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

Detailed Action

1.   This Office Action is responsive to the Amendment filed on 09/12/2007. Claims 1, 4, 19, 20, 25, 26, 31, 32, 39, 41, 48, 52 and 53 have been amended. Claims 58-61 have been added as new claims. Claims 10-12 have been cancelled. Claims 1-9 and 13-61 are pending for examination.

Claim Objections

2.   Claims, 1, 20, 25, 26, 31, 32, 36-38, 52, 53 and 55-61 are objected to because of the following informalities:

In claims 1, 20, 25, 26, 31, 32, 52, 53 and 58-61: "the network performance rule relating to ..." should be "the <u>desired</u> network <u>connection</u> performance rule relating to ..."

In claims 36-38 and 55-57: "whether the at least one parameter of the previous and no longer active network connection ..." should be "whether the at least one of the performance statistics including at least one of abnormal disconnect rate, retain rate, busy rate, or signal-to-noise rate of the at least one previous and no longer active network connection ..."

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   **Claims 1-9 and 13-57 are rejected under 35 U.S.C. 102(e) as being**

anticipated by Selgas et al. (US 6,571,290), hereinafter "Selgas".

5.   As to claim 1, **Selgas** teaches a computer-implemented method for modifying

network configuration information on a client node, the method comprising:

establishing a network connection between a client node and a host node using

at least one network configuration parameter *(after the client dispatch application 200*

has determined the proper dial-in number, the user's modem is initialized and dialing

occurs to connect the user 110 to the access service 106 via the predetermined ISP

102 using the selected dial-in number) **(Selgas, Fig. 2 and col. 14, lines 38-42)**;

accessing configuration history information describing performance statistics

including at least one of abnormal disconnect rate, retain rate, busy rate, or signal-to-

noise rate of at least one previous and no longer active network connection between the

client node and the host node *(the "Reliability" sub-function obtains prior reliability data*

from both the network services database 206 and the phone database 204, <u>wherein the</u>

<u>reliability refers to the ability to reliably connect on a first or second attempt and the</u>

<u>ability to stay connected for substantial period of time without disconnection, due mainly</u>

<u>because of line noise problems, faulty equipment, etc.)</u> **(Selgas, Fig. 2, col. 17, lines**

40-65 and col. 21, line 4 – col. 22, line29);

accessing policy information including a desired network connection performance

rule, the desired network performance rule relating to at least one of abnormal

disconnect rate, retain rate, busy rate, or signal-to-noise rate *(the access service 106*

offers Internet access to the user 110 via a plurality of ISPs 102 <u>based on the</u>

<u>appropriate level of service requested by the user such as the "lowest cost service", the</u>

<u>"highest reliability service", the "most reliable service", or combinations thereof, i.e.,</u>

<u>based on a desired network connection performance, stored in the network services</u>

<u>database 206, wherein the reliability refers to the ability to reliably connect on a first or</u>

<u>second attempt and the ability to stay connected for substantial period of time without</u>

<u>disconnection, due mainly because of line noise problems, faulty equipment, etc.)</u>

(Selgas, col. 8, lines 32-54, col. 10, lines 4-11, col. 15, lines 22-34 and col. 21, line

4 – col. 22, line29);

using the configuration history information along with the policy information to

determine whether at least one of the performance statistics including at least one of

abnormal disconnect rate, retain rate, busy rate, or signal-to-noise rate of the at least

one previous and no longer active network connection fails to satisfy the desired

network connection performance rule *(based on the received header information*

including user ID, PAP ID, network services databases 206 and phone database 204,

etc., <u>*the access service 106 determines what, if any, updates are required to be made*</u>

<u>*to the user client's dispatch application, databases, or network access devices*</u>

<u>*operating system wherein such updates may include new dial-in locations/numbers,*</u>

<u>*new PAP IDs/passwords, change of phone numbers, area codes or any other*</u>

<u>*information relating to gaining access to the ISP 102)*</u> **(Selgas, col. 14, line 62 – col.**

15, line 34, col. 17, lines 40-65 and col. 21, line 4 – col. 22, line29); and

if it is determined that the at least one of the performance statistics including at

least one of abnormal disconnect rate, retain rate, busy rate, or signal-to-noise rate of

the at least one previous and no longer active network connection fails to satisfy the

desired network connection performance rule, modifying the at least one of the network

configuration parameter used to establish the network connection between the client

node and the host node *(if any updates are required to be made to the user client's*

dispatch application, databases, etc., <u>*the access service 106 will generate and transmit*</u>

<u>*these updates to the user 110, i.e., identifying and providing the user 110 with*</u>

<u>*information needed to access one or more desired ISPs 102 based on cost, location,*</u>

<u>*availability, reliability, etc.)*</u> **(Selgas, col. 8, lines 32-54, col. 17, lines 40-65, col. 20,**

line 35-50 and col. 21, line 4 – col. 22, line29).

6.   As to claim 2, **Selgas** teaches the method of claim 1, wherein accessing the

policy information includes receiving the policy information from the host node; and

analyzing the policy information *(the access service 106* <u>*identifies and provides the user*</u>

110 with policy information including access information needed to access one or more

desired ISPs 102 that meet the customer desired low cost operation, reliability

operation, and/or availability operation) **(Selgas, col. 8, lines 32-54, col. 17, lines 40-**

65 and col. 20, line 35-50).

7.   As to claim 3, **Selgas** teaches the method of claim 1, wherein:

establishing the network connection includes establishing a modem connection

using at least one modem configuration parameter *(after the client dispatch application*

200 has determined the proper dial-in number, the user's modem is initialized and

dialing occurs to connect the user 110 to the access service 106 via the predetermined

ISP 102 using the selected dial-in number) **(Selgas, Fig. 2 and col. 14, lines 38-42)**;

modifying the at least one network configuration parameter includes modifying

the at least one modem configuration parameter *(the updated ISP-specific access*

information comprising information such as one or more PAP IDs/passwords, default

routing information and configuration information to configure the user's modem such as

dial-in number, data speed/compression information) **(Selgas, col. 17, lines 40-65)**.

8.   As to claim 4, **Selgas** teaches the method of claim 1, further comprising:

if it is determined that at least one of the performance statistics including at least

one of abnormal disconnect rate, retain rate, busy rate, or signal-to-noise rate of the at

least one previous and no longer active network connection fails to satisfy the desired

network connection performance rule, modifying a plurality of the network configuration

parameters *(if any updates are required to be made to the user client's dispatch application, databases, etc., the access service 106 will generate and transmit these updates to the user 110)* **(Selgas, col. 8, lines 32-54, col. 17, lines 40-65 and col. 20, line 35-50)**; and

establishing a second network connection between the client node and the host node using the modified plurality network configuration parameters *(after receiving the updated ISP-specific access information, the client dispatch application 200 may disconnect the user 110 from the current ISP 102 and automatically dial and reconnect the user 110 to the desired ISP 102 associated with the ISP-specific access information, i.e., associated with the modified plurality network configuration parameter)* **(Selgas, col. 8, lines 9-13 and col. 20, lines 47-50)**.

9.   As to claim 5, **Selgas** teaches the method of claim 4, wherein the at least one modem configuration parameter includes a dialed number parameter and a connection speed parameter *(the updated ISP-specific access information comprising information such as one or more PAP IDs/passwords and configuration information to configure the user's modem, such as dial-in number, and speed)* **(Selgas, col. 17, lines 40-65)**.

10.   As to claim 6, **Selgas** teaches the method of claim 5, wherein the at least one modem configuration parameter further includes a data compression technique parameter and a modulation technique parameter *(the updated ISP-specific access information comprising information such as one or more PAP IDs/passwords, default*

routing information and configuration information to configure the user's modem, such

as dial-in number, data speed/compression information) **(Selgas, col. 17, lines 40-65)**.

11.   As to claim 7, **Selgas** teaches the method of claim 1, wherein:

establishing the network connection includes establishing an Internet connection

between the client node and the host node using at least one Internet configuration

parameter *(the user 110 connects to the Internet 100 via a predetermined ISP 102)*

(Selgas, col. 6, lines 6-31); and

modifying the at least one network configuration parameter further includes

modifying the at least one Internet configuration parameter to establish a second

Internet connection *(the user 110 reconnects to the Internet 100 via a preferred/desired*

ISP 102) **(Selgas, col. 6, lines 6-31, col. 15, lines 1-19 and col. 17, lines 54-61)**.

12.   As to claim 8, **Selgas** teaches the method of claim 7, wherein the at least one

Internet configuration parameter includes a host Internet Protocol (IP) address

parameter *(when the user contacts the ISP, the user is connected to the next available*

modem and the IP address of that modem becomes the IP address of that user for the

remainder of that connection session) and a connection speed parameter *(the updated*

ISP-specific access information comprising information such as configuration

information to configure the user's modem, such as dial-in number, data compression

information and speed) **(Selgas, col. 6, lines 6-31 and col. 17, lines 40-65)**.

13.   As to claim 9, **Selgas** teaches the method of claim 8, wherein the at least one

Internet configuration parameter further includes a data compression technique

parameter and an encryption technique parameter *(various databases residing at the*

access provider and each of the clients systems permits dynamic or constantly

changeable network access and encryption parameters to minimize the possibility of

unauthorized access) **(Selgas, col. 17, lines 40-65 and col. 29, lines 6-13)**.

14.   As to claim 13, **Selgas** teaches the method of claim 1, wherein the performance

rule includes a rule for specifying performance criteria *(which ISP 102 and what*

locations (dial-in phone numbers for local access) have the highest reliable service, the

most available server, etc., for a given user's dial-in location) **(Selgas, col. 8, lines 32-**

54, col. 10, lines 4-11 and col. 21, line 4 – col. 22, line 64).

15.   As to claim 14, **Selgas** teaches the method of claim 1, wherein the policy

information further includes host access information used by the client node when

modifying the at least one network configuration parameter *(the access service 106*

tracks and stores information relating to all ISPs 102 and dial-in numbers regarding past

history connections so the reliability function may use any one of the types of availability

information, or combination thereof, for determining the dial-in number that will provide

the user with a high reliability connection) **(Selgas, col. 21, lines 31-61)**.

16.   As to claim 15, **Selgas** teaches the method of claim 14, wherein the host access information includes at least one modem access number *(the updated ISP-specific access information comprising information such as configuration information to configure the user's modem, such as dial-in number, data compression information and speed)* **(Selgas, col. 6, lines 6-31 and col. 17, lines 40-65)**.

17.   As to claim 16, **Selgas** teaches the method of claim 14, wherein the host access information includes at least one Internet Protocol (IP) address *(when the user contacts the ISP, the user is connected to the next available modem and the IP address of that modem becomes the IP address of that user for the remainder of that connection session)* **(Selgas, col. 6, lines 6-31)**.

18.   As to claim 17, **Selgas** teaches the method of claim 1, further comprising terminating the network connection; and establishing a second network connection based on the modified at least one network configuration *(after receiving the ISP-specific access information, the client dispatch application 200 may disconnect the user 110 from the current ISP 102 and automatically dial and reconnect the user 110 to the desired ISP 102 associated with the ISP-specific access information, i.e., associated with the modified network configuration parameter)* **(Selgas, col. 8, lines 9-13)**.

19.   As to claim 18, **Selgas** teaches the method of claim 1, further comprising sending the configuration history information to the host node *(the client dispatch*

application 200 dispatches a "pinger" message, to the access server 106, with header information including the database 206 that contains access information for each dial-in number for a particular ISP such as one or more PAP IDs/passwords, default routing information and configuration information to configure the user's modem, such as data compression information and speed) **(Selgas, col. 9, lines 39-62, col. 11, lines 50-59 and col. 17, lines 40-65).**

20. As to claim 19, **Selgas** teaches the method of claim 1, further comprising establishing a second network connection based on the modified at least one network parameter; and collecting additional configuration history information on the client node including at least one parameter that is related to the second network connection *(the Service Selected sub-function retrieves configuration information from the network services database 206 and sends this information in a data message to the access service 106)* **(Selgas, col. 20, lines 35-50).**

21. Claim 20 is a corresponding computer system claim of method claim 1; therefore, it is rejected under the same rationale.

22. As to claim 21, **Selgas** teaches the computer system of claim 20, further comprising an input/output device *(i.e., the user computer/laptop 1150/1180 comprising a modem, keyboard, screen, mouse, speakers, etc.)* **(Selgas, Figs. 20-21).**

23.   As to claim 22, **Selgas** teaches the computer system of claim 20, further comprising a network adaptor *(i.e., comprising an Ethernet card)* to interface with a network device during establishment of the network connection **(Selgas, col. 15, lines 35-40)**.

24.   As to claims 23-24, **Selgas** teaches the computer system of claim 22, wherein the network device is a modem *(one of the plurality of modems of the ISP 102)* **(Selgas, Figs. 20-21)**.

25.   Claim 25 recites a corresponding computer system comprising means for performing the method claim 1; therefore, it is rejected under the same rationale.

26.   Claim 26 recites a computer-readable medium having computer-executable instructions contained therein for performing the method claim 1; therefore, it is rejected under the same rationale.

27.   As to claims 27-30, **Selgas** teaches the method of claim 1, wherein accessing the configuration history information includes accessing the configuration information, stored on the client node, related to a last network connection speed, dialed number, Internet protocol associated with the previous connection *(collecting and storing the network services information, i.e., configuration history information, in various databases 204-210 such as the network services database 206 on the user node 110a,*

110b, wherein the network services database 206 contains access information for each

dial-in number for a particular ISP such as one or more PAP IDs/passwords, default

routing information and configuration information to configure the user's modem, such

as data compression information and speed) **(Selgas, Fig. 2, col. 9, lines 39-62 and**

col. 17, lines 40-65).

28.   As to claims 31-32 and 58-59, **Selgas** teaches the method of claim 1, wherein:

accessing the configuration history information includes accessing configuration

history information describing performance statistics including abnormal disconnect rate

(retain rate, busy rate, or signal-to-noise rate) of the at least one previous and no longer

active network connection between the client node and the host node *(the "Reliability"*

sub-function obtains prior reliability data from both the network services database 206

and the phone database 204, wherein the reliability refers to the ability to reliably

connect on a first or second attempt and the ability to stay connected for substantial

period of time without disconnection, due mainly because of line noise problems, faulty

equipment, etc.) **(Selgas, Fig. 2, col. 17, lines 40-65 and col. 21, line 4 – col. 22,**

line29);

accessing the policy information includes accessing a desired network

configuration performance rule, the network performance rule relating to abnormal

disconnect rate (retain rate, busy rate, or signal-to-noise rate) *(the access service 106*

offers Internet access to the user 110 via a plurality of ISPs 102 based on the

appropriate level of service requested by the user such as the "lowest cost service", the

"highest reliability service", the "most reliable service", or combinations thereof, i.e., based on a desired network connection performance, stored in the network services database 206, wherein the reliability refers to the ability to reliably connect on a first or second attempt and the ability to stay connected for substantial period of time without disconnection, due mainly because of line noise problems, faulty equipment, etc.) **(Selgas, col. 8, lines 32-54, col. 10, lines 4-11, col. 15, lines 22-34 and col. 21, line 4 – col. 22, line29)**;

using the configuration history information includes using the configuration history information along with the policy information to determine whether the abnormal disconnect rate (retain rate, busy rate, or signal-to-noise rate) of the at least one previous and no longer active network connection fails to satisfy the desired network connection performance rule *(based on the received header information including user ID, PAP ID, network services databases 206 and phone database 204, etc., the access service 106 determines what, if any, updates are required to be made to the user client's dispatch application, databases, or network access devices operating system wherein such updates may include new dial-in locations/numbers, new PAP IDs/passwords, change of phone numbers, area codes or any other information relating to gaining access to the ISP 102)* **(Selgas, col. 14, line 62 – col. 15, line 34, col. 17, lines 40-65 and col. 21, line 4 – col. 22, line29)**; and

modifying the at least one network configuration parameter includes, if it is determined that the abnormal disconnect rate (retain rate, busy rate, or signal-to-noise rate) of the at least one previous and no longer active network connection fails to satisfy

the desired network connection performance rule, modifying the at least one network configuration parameter used to establish the network connection between the client node and the host node *(if any updates are required to be made to the user client's dispatch application, databases, etc., the access service 106 will generate and transmit these updates to the user 110, i.e., identifying and providing the user 110 with information needed to access one or more desired ISPs 102 based on cost, location, availability, reliability, etc.)* **(Selgas, col. 8, lines 32-54, col. 17, lines 40-65, col. 20, line 35-50 and col. 21, line 4 – col. 22, line29)**.

29.   As to claim 33, **Selgas** teaches the method of claim 1, further comprising accessing the policy information from storage on the client node *(i.e., the network services database 206)* **(Selgas, col. 10, lines 4-11)**.

30.   As to claim 34, **Selgas** teaches the method of claim 1, wherein modifying the at least one network configuration parameter includes modifying the at least one network configuration parameter used to establish the network connection between the client node and the host node so that the network connection is configured to operate as the desired network connection **(Selgas, col. 8, lines 32-54 and col. 21, line 4 – col. 22, line 64)**.

31.   As to claim 35, **Selgas** teaches the method of claim 3, wherein modifying the at least one modem configuration parameter includes establishing a second network

connection with a second modem connection *(after receiving the updated ISP-specific access information, the client dispatch application 200 may disconnect the user 110 from the current ISP 102 and automatically dial and reconnect the user 110 to the desired ISP 102 associated with the updated ISP-specific access information, i.e., associated with the modified plurality network configuration parameter)* **(Selgas, col. 8, lines 9-13 and col. 20, lines 47-50).**

32.   As to claim 36, **Selgas** teaches the method of claim 1, wherein accessing the policy information includes accessing the policy information indicating that cost considerations are to be prioritized *(i.e., for low cost operation)* in determining whether the at least one parameter of the previous and node longer active network connection fails to satisfy the desired network connection performance rule **(Selgas, col. 8, lines 32-54 and col. 20, line 51 – col. 21, line 3).**

33.   As to claim 37, **Selgas** teaches the method of claim 1, wherein accessing the policy information includes accessing the policy information indicating that performance considerations are to be prioritized *(i.e., for reliability and available operation)* in determining whether the at least one parameter of the previous and no longer active network connection fails to satisfy the desired network connection performance rule **(Selgas, col. 8, lines 32-43, col. 15, lines 25-29 and col. 21, line 4 – col. 22, line 64).**

34.   As to claim 38, **Selgas** teaches the method of claim 1, wherein accessing the

policy information includes accessing the policy information indicating that cost and

performance considerations are to be used in a predetermined weighting *(providing*

control mechanisms to ensure that a user 110 receives the appropriate level of service

for which they are subscribed such as "the lowest cost service", "the highest reliability

*service", "the most available service", or **combinations thereof**)* in determining whether

the at least one parameter of the previous and no longer active network connection fails

to satisfy the desired network connection performance rule **(Selgas, col. 8, lines 32-43,**

col. 15, lines 25-29 and col. 21, line 4 – col. 22, line 64).

35.   Claims 39-57 and 60-61 recite method claims that contain features similar to the

above-recited features of claims 1, 3-9, 17, 19, 28-32, 34, 36-38 and 58-59; therefore, it

is rejected under the same rationale.

Response to Arguments

36.   In the Remarks, Applicants argued in substance that

(A)   Prior Art (Selgas) fails to describe or suggest at least *"accessing the configuration history information describing performance statistics including at least one of abnormal disconnect rate, retain rate, busy rate, or signal-to-noise rate of at least one previous and no longer active network connection between the client node and the host node"*, as recited in amended independent claim 1.

As to point (A), Examiner respectfully disagrees noting that Selgas does teach the "Reliability" sub-function obtains prior reliability data from both the network services database 206 and the phone database 204 and determines which ISP 102 and what locations (dial-in phone numbers for local access) have the highest reliability of connecting the user to the Internet (Selgas, col. 21, lines 4-11), wherein the reliability refers to the ability to reliably connect on a first or second attempt and the ability to stay connected for substantial period of time without disconnection, due mainly because of line noise problems, faulty equipment, etc. *(i.e., accessing abnormal disconnect rate, retain rate, busy rate, or signal-to-noise rate)* (Selgas, Fig. 2, col. 17, lines 40-65 and col. 21, line 4 – col. 22, line29).

Hence, Prior Art (Selgas) does describe or suggest at least *"accessing the configuration history information describing performance statistics including at least one of abnormal disconnect rate, retain rate, busy rate, or signal-to-noise rate of at least one previous and no longer active network connection between the client node and the host node"*, as recited in amended independent claim 1.

(B)   Prior Art (Selgas) fails to describe or suggest at least *"using the*

configuration history information along with the policy information to determine whether

at least one of the performance statistics including at least one of abnormal disconnect

rate, retain rate, busy rate, or signal-to-noise rate of the at least one previous and no

longer active network connection fails to satisfy the desired network connection

performance rule, and if it is determined that the at least one of the performance

statistics including at least one of abnormal disconnect rate, retain rate, busy rate, or

signal-to-noise rate of the at least one previous and no longer active network connection

fails to satisfy the desired network connection performance rule, modifying the at least

one network configuration parameter used to establish the network connection between

the client node and the host node", as recited in amended independent claim 1.

As to point (B), Selgas teaches collecting and storing various user and network

services information in several databases 204-210 on the user node 110, (Selgas, Fig.

2, col. 9, lines 39-62). Selgas also teaches the "Reliability" sub-function obtains prior

reliability data from both the network services database 206 and the phone database

204 and determines which ISP 102 and what locations (dial-in phone numbers for local

access) have the highest reliability of connecting the user to the Internet (Selgas, col.

21, lines 4-11), wherein the reliability refers to the ability to reliably connect on a first or

second attempt and the ability to stay connected for substantial period of time without

disconnection, due mainly because of line noise problems, faulty equipment, etc. *(i.e.,*

Selgas teaches accessing abnormal disconnect rate, retain rate, busy rate, or signal-to-

noise rate) (Selgas, Fig. 2, col. 17, lines 40-65 and col. 21, line 4 – col. 22, line29).

In addition, **Selgas** teaches the network services database 206 includes information relating to the type of service requested by the user 110, such as the "lowest cost service", the "highest reliability service", the "most available service", or combination thereof, plan pricing and descriptions, and includes information identifying one or more primary processes to be performed by the client dispatch application 200 *(i.e., **Selgas** does teach* <u>collecting and storing policy information in the network services database 206</u>*)* **(Selgas, col. 10, lines 4-11)**.

Selgas specially teaches the access service 106 reviews the pinger header information including the network services database 206 as described above containing configuration history information along with the policy information **to determine, if any, what updates are required to be made to the user client's dispatch application, databases, or network access devices operating system** *(i.e., corresponding to the access service 106 using the configuration history information along with the policy information stored in the network services database 206 to determine if at least one of the parameters of the previous and no longer active network connection such as dial-in locations/numbers, PAP IDs/passwords, etc., fails to satisfy the desired network connection performance rule)*, wherein such updates may include new dial-in locations, new identification information such as PAP IDs, network authentication passwords such as PAP passwords, other IDs/passwords, change of phone numbers, area codes, low cost ISP, dial-in location priority sequence numbers, or any combination thereof, or any other information relating to gaining access to the ISP 102. If any updates are required, these are supplied by the access service 106 and any necessary updates will take place

transparent to the user 110 *(i.e., and if it is, modifying the at least one network*

configuration parameter used to establish the network connection between the client

node and the host node) **(Selgas, col. 17, lines 50-65)**.

Hence, Prior Art **(Selgas)** does describe or suggest at least *"using the*

configuration history information along with the policy information to determine whether

at least one of the performance statistics including at least one of abnormal disconnect

rate, retain rate, busy rate, or signal-to-noise rate of the at least one previous and no

longer active network connection fails to satisfy the desired network connection

performance rule, and if it is determined that the at least one of the performance

statistics including at least one of abnormal disconnect rate, retain rate, busy rate, or

signal-to-noise rate of the at least one previous and no longer active network connection

fails to satisfy the desired network connection performance rule, modifying the at least

one network configuration parameter used to establish the network connection between

the client node and the host node", as recited in amended independent claim 1.

Conclusion

37.   Applicant's arguments as well as request for reconsideration filed on 09/12/2007

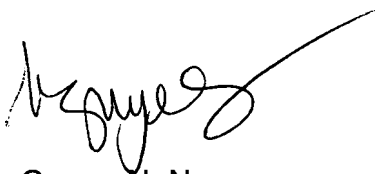have been fully considered but they are not deemed to be persuasive.

38.   A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

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Quang N. Nguyen
Patent Examiner – AU 2141
September 18th, 2007